IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 32402 of 2007(G)

PETITIONER:

R.V.S.M,HIGHER SECONDARY SCHOOL
PRAYAR.P.O, OCHIRA 690 547 REPRESENTED BY ITS
MANAGER C. VIJAYAMMA.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS:

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1. THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION
ALAPPUZHA.

4. THE DISTRICT EDUCATIONAL OFFICER
MAVELIKKARA.

BY GOVERNMENT PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)No. 32402 OF 2007

Dated this the 15th day of November, 2007

JUDGMENT

The petitioner is an aided school represented by its Manager. On a super check of the students strength for the year 2005-2006, the Director of Public Instruction found that a large number of students appearing in the attendance register were not actually present in the school. Based on the same, the staff fixation orders were modified reducing the number of divisions. Those orders have become final by Ext.P4 order dated 28.3.2007 of the Government. Now another person stated to be the present Manager of the school seeks reopening of the entire proceedings only on the ground that the then Manager did not contest the matter properly.

I am not inclined to entertain this writ petition since if such writ petitions are entertained, unscrupulous Managers would get a handle to reopen the staff fixation orders which have already become final on the mere allegation that the earlier Manager did not contest the matter properly. There is no dispute before me

that the students, who were absent on the date of the super check were not actually present. That being so, I do not think that the matter can be reviewed at the instance of a new Manager on the allegation that the earlier Manager did not contest the matter properly. Therefore I do not find any merit in the writ petition and accordingly the same is dismissed.

S. SIRI JAGAN, JUDGE

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